

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

MICHAEL ROBERTS,)	
)	
Plaintiff,)	No. 1:22-cv-06441
)	
v.)	
)	
BNSF RAILWAY COMPANY)	Judge: Honorable Jeremy C. Daniels
)	
Defendant,)	

JOINT INITIAL STATUS REPORT

Plaintiff, MICHAEL ROBERTS, and Defendant, BNSF RAILWAY COMPANY, by and through their attorneys, pursuant to the Court's Order and Rule 26(f) of the Federal Rules of Civil Procedure, hereby respectfully submit the following Joint Initial Status Report:

I. A. Attorneys of Record

PLAINTIFF

James T. Farnan
Ridge & Downes
230 W. Monroe Street
Suite 2330
Chicago, IL 60606

DEFENDANT

Jeffrey Scolaro
Carrie McAuliffe
Mohan Groble Scolaro, PC
55 W. Monroe Street, Suite 1600
Chicago, IL 60603

B. Basis for Federal Jurisdiction

Jurisdiction of this Court is invoked under the provisions of Title 28, U.S.C. § 1332 (a)(1). Plaintiff alleges that the matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00.

The Plaintiff has brought this action pursuant to the Federal Employers Liability Act ("FELA") for injuries allegedly sustained while working for defendant, which is an interstate rail freight carrier. The Plaintiff has also brought this action pursuant to 49 U.S.C. § 20109.

C. Nature of Plaintiff's Claim

Plaintiff has filed a two-count complaint against Defendant, BNSF Railway Company. Count I relates to an injury sustained on August 21, 2021; Count II

relates to a Whistleblower Claim as a result of reporting the August 21, 2021 claim.

Count I

Plaintiff alleges in Count I of his complaint that on August 21, 2021 he was injured while performing his duties as a switchman for BNSF Railway Company. He has alleged that BNSF was negligent in failing to provide him with a safe place to work; failing to warn of unsafe work conditions; failed to provide the Plaintiff with a safe means of ingress and egress from BNSF's Joliet Yard; and failed to warn Plaintiff of unsafe conditions of ingress and egress from BNSF's Joliet Yard.

Count II

In Count II of Plaintiff's complaint, he alleges that Metra violated the plaintiff rights under FRSA 49 U.S.C. § 20109 by retaliating against the plaintiff for reporting his work-related injury of August 21, 2021.

D. Describe the relief sought by the plaintiff and provide an estimate of damages, if any.

Plaintiff is seeking damages under Count I for the personal injuries suffered on August 21, 2021 in excess of \$100,000.

Plaintiff is seeking damages, attorney fees and costs in excess of \$100,000 under Count II.

E. List the names of any parties who have not yet been served.

None.

II. Discovery and Pending Motions

A. Briefly describe all pending motions, including the date the motion was filed and the briefing schedule if any.

No pending motions.

B. What is the current discovery schedule?

Non-expert discovery will close on January 30, 2024
Plaintiff's expert designation on or before March 28, 2024
Defendant's expert designation on or before May 28, 2024

- C. Briefly describe all fact and expert discovery that the parties have conducted, including any electronic discovery. Describe any discovery that the parties still need to complete and indicate whether the parties anticipate completing discovery by the current deadline.**

Written Discovery between the parties is complete.
Plaintiff's deposition is set for August 24, 2023.

- D. Briefly summarize all substantive rulings issued in the case. (For each ruling, include the date and the docket number)**

There have not been any substantive rulings made in this matter to date.

- E. Briefly describe any anticipated motions, including whether any party intends to move for summary judgment.**

It is anticipated the Defendant will file a Motion for Summary Judgment.

III. Trial

- A. Jury Trial**

Both parties have requested a Trial by Jury.

- B. What is the trial date (if any)? If there is no trial date, when will the parties be ready for trial?**

There is no trial date. It is anticipated the parties will be ready for trial on August 1, 2024

- C. Have the parties filed a final pretrial order? If so, when? If not, when is the deadline for the filing?**

The parties have not received a deadline to file a final pretrial order but anticipate one could be filed by July 1, 2024.

- D. Estimate the number of days needed to try the case.**

The parties anticipate that the trial may last seven days.

IV. Settlement, Referrals, and Consent

- A. Have any settlement discussions taken place? If so, what is the status?**

No.

- B. Has this case been referred to the Magistrate Judge for discovery supervision and/or a settlement conference? If not, do the parties want such a referral?**

No.

- C. Have counsel informed their respective clients about the possibility of proceeding before the assigned Magistrate Judge for all purposes, including trial and entry of final judgment? Do all parties unanimously consent to that procedure?**

Yes, the respective clients have been advised. There is no unanimous consent to proceed before a Magistrate.

V. Other

- A. Each party may list any other issue(s) they wish to raise with the Court not addressed elsewhere in this Initial Status Report.

Dated: August 15, 2023

/s/ James T. Farnan

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing instrument was properly forwarded to all counsel of record as listed below via:

- ☐ United States Mail, postage prepaid and sealed;
- ☐ United States Certified Mail, postage prepaid and return receipt requested;
- ☐ Hand Delivery;
- ☐ UPS/Next Day Air;
- ☐ Facsimile Transmission;
- ☒ Electronic Filing (Northern District of Illinois); and/or
- ☐ Email (pdf)

on August 15, 2023.

/s/ James T. Farnan

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